

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: : CHAPTER 13
:
JERRY RONALD BIVENS, : CASE NO. 14-41036
JOANNE BIVENS :
: JUDGE: PAUL W. BONAPFEL
:
Debtor(s) :

OBJECTION TO CONFIRMATION AND MOTION TO DISMISS CASE

COMES NOW WELLS FARGO BANK, N.A., (hereinafter known as "Creditor"), a secured creditor holding a Security Deed on real property commonly known as 79 Oakwood Manor Drive, Chatsworth, GA 30705, and for the reasons stated below, objects to confirmation and moves to dismiss this case:

1.

Creditor anticipates filing a secured claim in the approximate amount of \$195,000.00, with an estimated pre-petition arrearage amount of \$5,100.00.

2.

The plan lists the arrearage due to Creditor and projected monthly payments as \$0.00. Debtors have underestimated the amount of the arrearage due to the Creditor. As such, it is possible that the Plan could exceed 60 months, contrary to 11 U.S.C Section 1322 (d)(2).

3.

Creditor reserves the right to raise the failure of Debtors to have made post-petition payments, if at confirmation that appears to be the case.

WHEREFORE, Creditor prays that the Court deny confirmation and dismiss this case.

Creditor prays for reasonable attorney's fees and for such other and further relief as is just and equitable.

/s/ Richard H. Siegel
Richard H. Siegel, Bar No.: GA645825
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CERTIFICATE OF SERVICE

I certify that I am over the age of 18 and that on the date written below a copy of the foregoing *Objection to Confirmation and Motion to Dismiss* was served by email or by first class U.S. Mail, with adequate postage prepaid on the following persons or entities at the addresses stated:

The following Parties have been served via email:

Robert Rickman
thegeorgialawfirm@gmail.com

Mary Ida Townson

The following parties have been served via U.S. Mail:

Jerry Ronald Bivens
79 Oakwood Manor
Chatsworth, GA 30705

Joanne Bivens
79 Oakwood Manor
Chatsworth, GA 30705

Dated: June 30, 2014

/s/ Richard H. Siegel.
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